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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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MAR 25 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b), )  
FM Table of Allotments )  
For FM Broadcast Stations. )  
 )  
(Upper Sandusky and Caledonia, Ohio) )

MB Docket No. 03-7  
RM-10596

To: Assistant Chief, **Audio** Division

**REPLY COMMENTS**

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March 25, 2003

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## SUMMARY

Clear Channel Broadcasting Licenses, Inc. (“Clear Channel”), licensee of WYNT(FM), Channel **240A**, Upper Sandusky, Ohio, supports the reallocation of Channel **240A** from Upper Sandusky to Caledonia, Ohio, and the modification of WYNT’s license to specify operation on Channel **240A** at Caledonia (the “Proposal”), as proposed in MM Docket No. 03-7.

The record before the Commission overwhelmingly establishes Caledonia as a community for allotment purposes. Caledonia is both a Census designated place and an incorporated municipality, thereby warranting a presumption as a community. Caledonia has an elected mayor, clerk/treasurer, Village Council, Board of Public Affairs and Planning/Zoning Commission. The Village of Caledonia provides its citizens municipal services, such as street lighting, maintenance of streets (including paving and snow removal) sanitary and storm sewer services, police protection and full-time paid fire service. Caledonia’s village limits are home to a post office (with its own zip code), public library, elementary school, two churches, funeral home, American Legion Post and several clubs and organizations. There are multiple businesses in and serving Caledonia. Many residents of Caledonia have attested on the record that they consider Caledonia to be a separate, self-contained community, that Caledonia is served by its mayor and council and that the Caledonia Elementary school and the businesses and churches located in Caledonia serve the residents of Caledonia.

The Proposal will further Allotment Priority Three by providing a first local transmission service for Caledonia. Upper Sandusky will continue to be served by

noncommercial station WXML(FM), Upper Sandusky. WXML's **70** dBu contour wholly-encompasses Upper Sandusky, thereby technically qualifying as a local transmission service. The assertion by commenter Franklin Communications, Inc. ("Franklin") that WXML cannot qualify as a retained local service because of its Christian programming format runs counter to both Commission precedent and the First Amendment obligation of the Commission to remain content neutral. The Commission is not and should not be in the business of evaluating formats in order to determine if a station charged with serving its community of license is adequately doing so for allotment purposes.

In addition to advancing Allotment Priority Three by establishing a new local transmission service at Caledonia, while a local service to Upper Sandusky remains, the Proposal also furthers Allotment Priority Four (other public interest factors) by resulting in a net service gain of over 79,000 persons, with only well-served (five or more aural services) loss areas.

Commission precedent and the correct application of Allotment Priorities Three and Four warrant the adoption of the Proposal to reallocate Channel **240A** from Upper Sandusky to Caledonia, Ohio, and the conforming modification of WYNT's license.

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### SUMMARY

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To: Assistant Chief, Audio Division

**REPLY COMMENTS**

Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), licensee of WYNT(FM), Channel 240A, Upper Sandusky, Ohio (Facility ID No. 68681), by its attorneys, and in response to the Notice of Proposed Rule Making in the above-captioned proceeding (released January 16, 2003) (the "Notice"), hereby submits these Reply Comments in support of the proposal set forth in the Notice.

Clear Channel initiated this proceeding by filing, on May 14, 2002, a Petition for Rulemaking (the "Petition"). The Petition and the Notice propose the reallocation of Channel 240A from Upper Sandusky to Caledonia, Ohio, and the modification of WYNT's license to specify operation on Channel 240A at Caledonia (the "Proposal").

Clear Channel filed Comments in this docket on March 10, 2003 (the "Clear Channel Comments") which affirmed its support for the Proposal and stated its

intention to implement the modification, if approved. The Clear Channel Comments also reiterated that grant of the Proposal would serve the public interest by providing a first local aural transmission service to Caledonia, while Upper Sandusky would continue to receive service from noncommercial Station WXML(FM), Upper Sandusky, thereby advancing the third allotment priority (“Allotment Priority Three”). Moreover, the Clear Channel Comments and Petition (which was incorporated by reference into the Comments) noted that the Proposal would further advance the Commission’s fourth allotment priority (“Allotment Priority Four”) – other public interest factors – due to a net service gain of over 79,000 persons.

“Comments in Opposition to Proposal” (the “Franklin Comments”) were filed on March 10, 2003, by Franklin Communications, Inc. (“Franklin”), the licensee of WVKO(AM) and WSNY(FM), Columbus, Ohio. Franklin opposes the Proposal, arguing that Caledonia is not deserving of community status and that Upper Sandusky would be less than adequately served because the remaining licensed station, WXML, has a religious programming format. Franklin also misconstrues the application of Allotment Priority Three and makes unsupported and irrelevant allegations about Clear Channel’s alleged motives in petitioning for the proposed reallocation. Franklin also cites to the loss of service to approximately 26,000 persons, without acknowledging that such population is well-served and is outweighed by a service gain of over 105,000 persons, resulting in a net population service gain of over 79,000 persons.

**As** addressed herein, Franklin’s opposition runs counter to established Commission precedent. The record in this proceeding overwhelmingly establishes Caledonia as a community deserving of a first local transmission service. **As** such, the

proposal clearly should be adopted under Allotment Priority Three. 1/ Furthermore, WXML more than meets the requirements set out in Commission precedent for adequate remaining local service by a noncommercial station. Moreover, as an added benefit, the Proposal results in a net service gain, with no underserved loss areas, thereby also furthering Allotment Priority Four. There is no question then that the Proposal set out in the Notice should be adopted.

**I. CALEDONIA, OHIO IS A COMMUNITY DESERVING OF A FIRST LOCAL TRANSMISSION SERVICE**

As set forth in the Notice, the Petition and the Clear Channel Comments, Caledonia is a census designated place. Moreover, as noted by Franklin, Caledonia is incorporated. *See* Franklin Comments at **2**. Commission precedent holds that a community that is a Census-designated place *or* that is incorporated presumptively qualifies as a community for allotment purposes and thereby merits its own local transmission service. 2/ Here, Caledonia presumptively **qualifies** on both counts.

Notwithstanding that Caledonia is both a Census designated place *and* an incorporated municipality, Franklin asserts that the record does not establish that

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1/ The four allotment priorities are: i) one full-time aural reception service to a community; ii) a second full-time aural reception service to a community; iii) one local transmission service to a community; or iv) other public interest factors. *See Parker & Port St. Joe R&O*, 11FCC Rcd 1095 at ¶ **4** (1996). The second and third criteria have equal priority. *Id.*

2/ *See e.g., Cleveland and Ebenezer, Mississippi*, 10FCC Rcd **8807** at ¶ **6** (Allocations **Br.** 1995) (“The Commission’s long standing policy is to allot channels to communities composed of geographically identifiable population groupings. This requirement is generally satisfied if the community is either incorporated or listed in the U.S. Census.”); *Reydon, Oklahoma, DA 03-586*, MM Docket No. **01-227** at ¶ **2** (Ass’t Chief, Audio Div., released Mar. **4, 2003**).

Caledonia provides sufficient municipal services to its residents and argues that Clear Channel did not submit adequate information as to the businesses in Caledonia nor establish that they are intended to serve the needs of Caledonia as opposed to other areas. In contradiction to its own factual statements as to the municipal services provided by the Village of Caledonia and the existence of many Caledonia businesses, Franklin glibly mischaracterizes this proceeding as a case where Caledonia would be deemed a community for allotment purposes “just because it has a post office.” *See* Franklin Comments at **5**. Franklin is wrong on both the law and the facts.

Franklin itself acknowledges that Caledonia is incorporated, has a mayor, has a village council that meets monthly, employs a part-time maintenance worker and a part-time clerk treasurer, collects property taxes, contracts for police services, is served by a Fire Department serving Caledonia and nearby townships, maintains its own sewer system and provides snow removal, street paving and street lights. *See* Franklin Comments at **2-3**. Franklin also states that Caledonia is home to a Post Office, three bars/leateries, a bank, a small grocery, one gas station/convenience store, one muffler repair shop, one retail store selling/repairing lawnmowers/doing embroidery work and a Harley Davidson shop. *Id.* 3/

Many Census-designated and/or incorporated communities of Caledonia’s size (or less) and with community characteristics similar to those acknowledged by

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3/ Franklin keeps referring to “five” businesses in Caledonia in addition to the Post Office, *see* Franklin Comments at **2** and **5**, yet, Franklin’s own list, based on discussions with the Mayor of Caledonia, refers to *nine* Caledonia businesses.



Frankhn have been found to qualify as a community for allotment purposes. 4/ Nevertheless, and notwithstanding Caledonia's presumptive designation as a community given both its incorporation and listing in the Census, Franklin complains that the record does not provide information as to the businesses which Frankhn acknowledges exist in Caledonia or a demonstration that they are intended to serve the needs of the community. *See* Franklin Comments at **4**. Moreover, Franklin cites to cases such as *Gretna, Marianna, Quincy and Tallahassee, Florida* 5/ and *Pleasant Dale, Nebraska*, 6/ *see* Franklin Comments at **3**, that are clearly distinguishable from the record here. 7/

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**4/** *See, e.g., Fort Bridger, Wyoming and Woodruff, Utah*, **17 FCC Rcd 606** at ¶**4** (Allocations Br. **2002**) (Census designated community of **135** persons, with mayor, city council, post office, zip code, fire department, several local businesses and church congregation, qualifies as a “true community” for allotment purposes); *Hyannis, Nebraska*, **17 FCC Rcd 20,094** at n.3 (Allocations Br. **2002**) (Census designated community of **287** persons, with a post office, zip code, two banks, grocery store, veterinary service, lumber yard, family doctor, hotel, local newspaper and elementary and high schools is a community for allotment purposes); *Camdenton and Laurie, Missouri*, **16 FCC Rcd 8917** at ¶ **2** (Allocations Br. **2001**) (incorporated community with Census population of **507** persons, with bank, post office, zip code, municipal government (Board of Directors), police department, fire station and civic organizations, is a community for allotment purposes); *Dillsboro and Rosman, North Carolina*, **15 FCC Rcd 25,562** at ¶ **2, 4** (Allocations Br. **2000**) (Census listed community of **98** persons, with local government (mayor, vice-mayor, council and town clerk), community events and over **80** retail establishments, qualifies as a community for allotment purposes).

**5/** **6 FCC Rcd 633** (Allocations Br. **1991**).

**6/** **14 FCC Rcd 18,893** (Allocations Br. **1999**).

**7/** For example, in contrast to Caledonia, the undeserving locality in *Gretna, et al.*, was not recognized by any governmental body as a municipality, was not incorporated or listed by the Census, had no internal governing body, no mayor, no city hall, no municipally provided services of any kind and no real community identity. *See* **6 FCC Rcd 633** at ¶ **4**. Likewise, in *Pleasant Dale*, unlike here, the record contained no

While the Petition, the Clear Channel Comments and the Franklin Comments provide more than enough information to support Caledonia's qualifications as a community for allotment purposes, Clear Channel is further bolstering the record with statements from Caledonia's Mayor, a member of the Caledonia Council, several residents and businessmen of Caledonia, the school superintendent, the volunteer fire department and a Clear Channel employee.

Exhibit A provides information about Caledonia from Dan Schlosser, its Mayor. Mayor Schlosser states that Caledonia is incorporated with an elected mayor, clerk/treasurer, Village Council, Board of Public Affairs and Planning/Zoning Commission. Mayor Schlosser states that "[t]he Village provides **all** of the typical services offered by municipalities in Ohio," and gives the following as examples of the services provided by the Village: street lights, maintenance of streets including paving and snow removal, sanitary and storm sewer, police protection and full-time paid fire department. Mayor Schlosser states that Caledonia has a "Post Office, public library, elementary school, two churches, funeral home, American Legion Post and several clubs and organizations." He refers also to several businesses in Caledonia, including a bank, a market, five food and two drinking establishments, a farm supply store and a muffler center.

Exhibit B is the statement of Maureen E. Welch, a member of the Caledonia Village Council. Councilwoman Welch states that "[w]e have our own elected

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information as to what municipal services the local government provided to the residents, no names and addresses of the businesses claimed to be in the community nor the names and addresses of any social or civic organizations, schools, libraries or other governmental services within the locality. **14 FCC Rcd 18,893 at ¶ 6.**

officials, mayor and 6 council members. ... We offer sewer, water and fire protection. ... We approve the cable rates, and have village contracts with Ohio Edison (First Energy) and Ohio American Water. We are responsible for our streets and allies [sic] within the village limits.” Councilwoman Welch notes that she has no objection to having a radio station with the legal identification containing the name of Caledonia.

Exhibit C is the most recent “Village Update” which informs Caledonia residents of recent and upcoming municipal developments. The names, addresses and phone numbers of the elected Village officials and other Caledonia Village contacts are set forth on page two of the Update

Exhibit D is a confirmation from the 1<sup>st</sup> Consolidated Fire District that the Fire District, which is located in Caledonia, provides fire and emergency medical services to the businesses and residents of the Village of Caledonia, in addition to four townships in Morrow and Marion Counties.

Exhibit E is a statement of Thomas G. Shade, Superintendent of the River Valley Local School District, regarding Caledonia Elementary School and the Village of Caledonia. Superintendent Shade notes that there are many residents of Caledonia who volunteer at the school, which is also used by many organizations from Caledonia for evening/weekend meetings. He states that roughly 15% of the staff at Caledonia Elementary School are residents of Caledonia, and the school has a Parent Teacher Organization ( “PTO) whose president, vice president and secretary are residents of Caledonia. The PTO plans yearly events for the Caledonia Elementary School. Superintendent Shade notes that next year the Caledonia Elementary School will be re-located just south of the Caledonia Village limits, and that “[w]e feel positive that the

close community ties between the school and community will continue at our new location.” 8/

Exhibit F contains the attested statements of over a dozen residents of Caledonia – with a combined 518 years of residency in Caledonia – confirming that each considers Caledonia to be a separate, self-contained community, that the declarant considers him/herself to be a member of the community of Caledonia and not a part of any other community, that Caledonia functions as a distinct community, that Caledonia is served by its mayor and council and/or that the Caledonia Elementary school and the businesses and churches located in Caledonia serve the residents of Caledonia.

Exhibit G includes additional statements of residents of and/or businesses in Caledonia. Mr. Mooney, a 25-year resident and 24-year business owner has served as a Village council member and zoning inspector because he feels “a need to ‘give back to my community.’” Mr. Mooney states that “Caledonia functions as a small community with all the support [of] business that is needed to do that function.” Anna Mowrey, who lived in Caledonia for 20 years, states that Caledonia is a “self contained town,” and that “[w]e have a lot of things in the town,” including, among other features, a grocery store, bank, two pizza places, gas station, cafe, bars, beauty shop, churches, post office, City Building, Legion Hall, Library, park and fire station. Shirley Stafford, Assistant Manager, United Bank N.A., at 140 East Marion Street, Caledonia, states that “[t]here has been a bank for many years in the Caledonia community. ...We

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8/ Councilwoman Welch, in her Statement at Exhibit B, notes that with the county’s permission, the Village’s water and sewer services will be extended to the new elementary school.

consider our bank to be a part of the community of Caledonia, serving the residents to the best of our ability.”

Exhibit H is a Declaration of Michael A. Gist, an Account Executive with Clear Channel. Mr. Gist, who attended Caledonia Elementary School, attaches to his Declaration a Zoning Map which shows the incorporated boundaries of Caledonia. Mr. Gist has notated the map to indicate the location of several of Caledonia’s civic, religious and business establishments. Mr. Gist also includes recently-taken photographs of locations within Caledonia.

**As** stated by the Allocations Branch:

To establish that a locality is a “community” for allotment purposes, it must be demonstrated that a locality has “social economic, cultural or governmental indicia” which identify it as a community. *See Avon, North Carolina*, 14 FCC Rcd 3939, 3940 (1999). It is sufficient to demonstrate that the locality is “commonly regarded as a distinct group. This can be proven by the ‘testimony of local residents or by objective indications of the existence of a common perception that a locality’s populace constitutes a distinct geographical population.’” *Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments*, 5 FCC Rcd 934 (1990). The Commission has held that “[e]xamples of objective indications of community status include the existence of political, commercial, social and religious organizations and services in the community. Another indication of community status is ‘whether the residents function as and conceive of themselves as residents of a community, around which their interests coalesce.’”<sup>91</sup>

The statements of the civic leaders, businessmen, service providers and residents of Caledonia establish that “social, economic, cultural or governmental indicia” identify Caledonia as a community, that “the residents [of Caledonia] function as and conceive of themselves as residents of a community, around which their

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<sup>91</sup> *Thermoplis and Story, Wyoming*, 16 FCC Rcd 13066 at ¶ 7 (Allocations Br. 2001).

interests coalesce” and that Caledonia is “commonly regarded as a distinct group.” Clearly, Caledonia meets and exceeds the criteria for designation as a community deserving of a first local transmission service.

**11. NONCOMMERCIAL STATION WXML(FM), UPPER SANDUSKY, OHIO, PROVIDES SATISFACTORY CONTINUING LOCAL TRANSMISSION SERVICE TO UPPER SANDUSKY**

Franklin argues that because the remaining local transmission service in Upper Sandusky – noncommercial FM station WXML – is a Christian formatted station, that the Proposal must be deemed as removing the only acceptable local service from Upper Sandusky. *See* Franklin Comments at 5-6. Thus, implies Franklin, the Proposal must be viewed as one between retaining a first local service at Upper Sandusky, versus a new first local service at Caledonia, as WXML cannot be counted on to serve the public interest needs of the residents of Upper Sandusky.

Franklin’s argument flies in the face of Commission precedent and good sense. The only factor that the Commission considers when evaluating the adequacy of a remaining noncommercial station’s service to the community being vacated by a reallocated station is whether the signal strength of the noncommercial station is technically sufficient. 10/ As set forth in the Technical Statement submitted by Clear

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**10/** *See, e.g., Lebanon and Speedway, Indiana*, MB Docket No. **02-143, DA 02-3418** at ¶ **3** and n.4 (Ass’t Chief, Audio Div., released Dec. **16, 2002**) (commercial FM station reallocated from Lebanon, Indiana to Speedway, Indiana; Lebanon will retain service from noncommercial station which is licensed to and provides a city-grade signal to all of Lebanon); cf. *Alva, Mooreland, Tishomingo, Tuttle and Woodward, Oklahoma*, **17** FCC Rcd **14,722** (Ass’t Chief, Audio Div. **2002**) (application for review pending) (reallotment proposal initially denied because remaining noncommercial station did not cover any portion of community of license with a principal city **70** dBu signal and

Channel with the Petition, WXML serves **100** percent of Upper Sandusky with a **70** dBu signal. 11/ Moreover, a further Technical Exhibit, at Exhibit I to these Reply Comments, establishes that WXML's **60** dBu contour nearly identically replicates the existing **60** dBu contour of WYNT. 12/ Thus, there is no question that WXML meets the Commission's technical criteria for adequate remaining service to a community.

The Commission is not and should not be in the business of evaluating formats in order to determine if a station charged with serving its community of license is adequately doing so for allotment purposes. Nor should the Commission be endorsing the concept that religious formats are less responsive to community or educational needs than secular formats. When the Commission last tread on this treacherous slope – in the *WQED, Pittsburgh* proceeding – it quickly pulled back from its free-fall towards violating the First Amendment and extricated itself from qualitative decisions about religious programming. 13/ This allotment proceeding is no place to make that mistake again.

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provided **60** dBu signal to only **23%** of the relocating station's primary **60** dBu service area).

11/ See Technical Statement at **4** (attached to the Petition).

12/ Specifically, of the **1,822** square kilometers currently served by WYNT, WXML serves **1,734** square kilometers of that area, or **95%** of the geographic area presently served by WYNT, and of the **44,725** persons currently served by WYNT, WXML serves **43,725** of those persons, or **97%** of the population presently served by WYNT.

13/ See *WQED Pittsburgh*, **15** FCC Rcd **2534** at ¶ **2** (**2000**) (Commission, by own motion, vacates prior decision that attempted to provide guidance as to what constitutes non-commercial programming in the context of religious programming); see also Concurring Statement of Commissioner Furchtgott-Roth (prior "guidance" needed to be vacated not because of lack of clarity, but because such guidance "was wrong on the

And in fact, the FCC has on more than one occasion approved a reallocation when the remaining noncommercial station has a religious format. For example, in *Alva, Mooreland, Tishomingo, Tuttle and Woodward, Oklahoma*, on reconsideration, the Assistant Chief of the Audio Division authorized the reallocation of KTSH(FM) from Tishomingo to Tuttle, Oklahoma, after the remaining Tishomingo station – noncommercial station KAZC(FM) – improved its facilities so as to provide 70 dBu coverage to all of Tishomingo. 14/ Station KAZC is licensed to South Central Oklahoma Christian Broadcasting, Inc., and, just like WXML, Upper Sandusky, broadcasts a Christian format. 15/ Likewise in *Sparta and Buckhead, Georgia*, Sparta was deemed as not deprived of its sole local service by the reallocation of a commercial station from Sparta to Buckhead, Georgia, because noncommercial station WJDS(FM) was operating at Sparta. 16/ WJDS, like WXML and KAZC, is a Christian-format station. 17/

In sum, WXML meets the technical criteria for continuing service to Upper Sandusky, and that inquiry is where the Commission’s analysis does and must

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merits, raising the specter of viewpoint discrimination against religious broadcasters in violation of the First Amendment”).

14/ *Alva, Mooreland, Tishomingo, Tuttle and Woodward, Oklahoma* **17 FCC Rcd 14,722** (Ass’t Chief, Audio Div. **2002**) (application for review pending).

15/ See KAZC website at <http://www.thegospelstation.com> (“Our calling is to spread the gospel of Jesus Christ through music around the world...”).

16/ *Sparta and Buckhead, Georgia*, **16 FCC Rcd 2169** (Allocations Br. **2001**).

17/ See [www.enrradio.org](http://www.enrradio.org) (website referred to by WJDS staff) (Christian programming format).



end when it determines if local transmission service remains when the second local station is to be reallocated to another community.

**111. THE PROPOSAL SHOULD BE ADOPTED UNDER ALLOTMENT PRIORITY THREE – FIRST LOCAL TRANSMISSION SERVICE**

The record in this proceeding overwhelming establishes Caledonia as a community for allotment purposes and that Upper Sandusky will continue to receive technically adequate service – the only kind of service the Commission may measure – from WXML. Clearly then, this proceeding should be judged at the outset under Allotment Priority Three – first local transmission service. 18/ Franklin simply gets it wrong when it contends that even assuming *arguendo* Caledonia is a community for allotment purposes, the Proposal must be evaluated under Priority Four – other public interest matters. *See* Franklin Comments at 6.

**IV. ALLOTMENT PRIORITY FOUR – OTHER PUBLIC INTEREST FACTORS – ALSO WARRANTS ADOPTION OF THE PROPOSAL**

The Commission need go no further than Allotment Priority Three in order to adopt the Proposal. However, as noted in the Petition and the Clear Channel Comments, Priority Four will also be advanced by adoption of the Proposal,

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18/ *See, e.g., Alva, Mooreland, Tishomingo, Tuttle and Woodward, Oklahoma, 17 FCC Rcd 14,722 at ¶ 5 (Ass't Chief, Audio Div. 2002) (application for review pending) (reallotment of commercial station from Tishomingo to Tuttle will provide Tuttle with a first local service under Priority Three, while remaining noncommercial station provides an equivalent local service to Tishimongo); Cumdenton and Laurie, Missouri, 16 FCC Rcd 8917 at ¶ 3 (Allocations Br. 2001) (incorporated community with Census population of 507 people awarded first local aural transmission service under priority three over fourth priority allotment of channel to community with existing noncommercial station).*

Specifically, the Proposal will enable WYNT(FM) to serve 123,347 persons – for a net service gain of over **79,000** persons. 19/ Although the Proposal also will result in a loss in service to approximately 26,000 persons – a point highlighted by Franklin – not noted by Franklin is that all loss-area residents will remain served by five or more aural services, and so will continue to be well-served. 20/ This net service gain provides even further justification beyond the provision of a first local transmission service for the adoption of the Proposal.

## **V. CONCLUSION**

The record exhaustively supports Caledonia’s designation as a community for allotment purposes. Upper Sandusky will continue to be adequately served by noncommercial station WXML. The reallocation of WYNT from Upper Sandusky to Caledonia will advance Allotment Priority Three by establishing a first local transmission service for Caledonia. Allotment Priority Four will also be furthered due to a net service gain, with loss areas being well served. For these reasons, the Commission should adopt the changes in the Table of Allotments set out in the Notice and should approve the proposed modification of WYNT’s license under Section 1.420(i) of the Commission’s Rules.

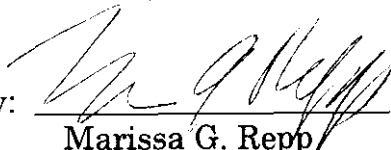
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19/ See Technical Statement at **5** (attached to the Petition).

20/ *Id.*; see also Notice (preliminary engineering analysis shows that the loss area will continue to receive service from at least **5** or more aural services).

Respectfully submitted,

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